

#400

AB

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ENRIQUE MARQUETTE and  
MONA BOVE,

Plaintiffs,

v.

RIVERSIDE TRANSPORT, INC.,

Defendant.

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:

CIVIL ACTION NO.:

19 72

**NOTICE OF REMOVAL OF ACTION**

Defendant, Riverside Transport, Inc., by and through its attorneys, Salmon, Ricchezza, Singer & Turchi, LLP, respectfully avers as follows:

1. Plaintiffs commenced a civil action against defendant in the Court of Common Pleas of Philadelphia County, Pennsylvania, on December 5, 2018, as a result of a January 17, 2017 motor vehicle accident. See Exhibit “A” – Plaintiffs’ Complaint.

2. The Complaint, being the original process in this case, was first served on defendant, Riverside Transport, Inc., no earlier than December 11, 2018.

4. Accordingly, this Notice of Removal was filed within the time frame set forth in 28 U.S.C. §1446(d).

5. According to the Complaint, as a result of the aforesaid accident, plaintiff, Enrique Marquette, allegedly sustained injuries in and about the head, neck, back, body and extremities and/or aggravated a pre-existing condition concerning these parts, which injuries are or may be serious, severe and permanent; and a severe shock to the nervous system. See Exhibit “A” at ¶ 8.

6. As a further result of the alleged carelessness and negligence of defendant, plaintiff Marquette “has suffered and may continue to suffer great physical pain and mental anguish; has been and may continue to be prevented from attending to plaintiff’s usual activities, duties, and occupations; has suffered and may continue to suffer a loss of earnings and earning capacity; and has incurred and may continue to incur various medical expenses in and about an effort to cure said injuries.” See Exhibit “A” at ¶ 8.

7. Plaintiff Marquette further alleged that as a direct result of this accident, he has and will hereinafter incur additional expenses or losses, which will exceed amounts which plaintiff may otherwise be entitled to recover under the Pennsylvania Motor Vehicle Financial Responsibility Act. See Exhibit “A” at ¶ 10.

8. Plaintiff Marquette demanded damages “in a sum in excess of Fifty Thousand (\$50,000.00) Dollars. See Exhibit “A.”

9. According to the Complaint, as a result of the aforesaid accident, plaintiff Mona Bove, allegedly sustained injuries in and about the head, neck, back, body and extremities and/or aggravated a pre-existing condition concerning these parts, which injuries are or may be serious, severe and permanent; and a severe shock to the nervous system. See Exhibit “A” at ¶ 12.

10. As a further result of the alleged carelessness and negligence of defendant, plaintiff Bove has suffered and may continue to suffer great physical pain and mental anguish; has been and may continue to be prevented from attending to plaintiff’s usual activities, duties, and occupations; has suffered and may continue to suffer a loss of earnings and earning capacity; and has incurred and may continue to incur various medical expenses in and about an effort to cure said injuries. See Exhibit “A” at ¶ 12.

11. Plaintiff Bove further alleged that as a direct result of this accident, she has and will hereinafter incur additional expenses or losses, which will exceed amounts which plaintiff may otherwise be entitled to recover under the Pennsylvania Motor Vehicle Financial Responsibility Act. See Exhibit “A” at ¶ 13.

12. Plaintiff Bove demanded damages “in a sum in excess of Fifty Thousand (\$50,000.00) Dollars. See Exhibit “A.”

13. Based upon a fair reading of the Complaint, each plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, may be at stake.

14. At all times material hereto, plaintiffs were and are residents and citizens of the Commonwealth of Pennsylvania, both residing at 302 Johnson Road, Boothwyn, Pennsylvania 19061. See Exhibit “A” – Plaintiffs’ Complaint.

15. At all times material hereto, Riverside Transport, Inc., was and is a Delaware corporation with its principal place of business located in Kansas City, Kansas.

16. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiffs and defendant since:

a) Plaintiffs are residents and citizens of the Commonwealth of Pennsylvania; and

b) Defendant is a citizen of a state other than Pennsylvania.

17. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendant is entitled to removal pursuant to 28 U.S.C. §1441, as amended, and 28 U.S.C. §1446.

WHEREFORE, defendant, Riverside Transport, Inc., prays that the above action now pending against it in Court of Common Pleas of Philadelphia County, be removed therefrom to this Honorable Court.

Respectfully submitted,

SALMON, RICCHEZZA, SINGER & TURCHI, LLP

By: \_\_\_\_\_

  
Robyn D. Kazatsky  
Attorneys for Defendant  
1601 Market Street  
Suite 2600  
Philadelphia, PA 19103  
[rkazatsky@srstlaw.com](mailto:rkazatsky@srstlaw.com)  
(T): (215) 606-6600  
(F): (215) 279-9732

Dated: January 7, 2019

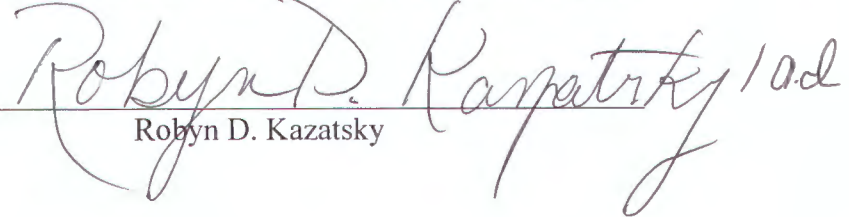


**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the within-captioned Notice of Removal of Action was served via first-class mail, postage prepaid, on counsel for plaintiffs addressed as follows:

Howard A. Taylor, Esquire  
123 S. Broad Street, Suite 1310  
Philadelphia, PA 19109  
*Attorneys for Plaintiffs*

SALMON, RICCHEZZA, SINGER & TURCHI, LLP

  
\_\_\_\_\_  
Robyn D. Kazatsky

Dated: January 7, 2019

# EXHIBIT “A”

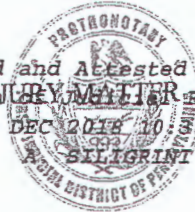
Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

		For Prothonotary Use Only (Docket Number)	
		<b>DECEMBER 2018</b>	<b>000451</b>
		E-Filing Number: 1812007592	
PLAINTIFF'S NAME ENRIQUE MARQUETTE		DEFENDANT'S NAME RIVERSIDE TRANSPORT, INC.	
PLAINTIFF'S ADDRESS 302 JOHNSON ROAD BOOTHWYN PA 19061		DEFENDANT'S ADDRESS 5400 KANSAS AVENUE KANSAS CITY KS 66106	
PLAINTIFF'S NAME MONA BOVE		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS 302 JOHNSON ROAD BOOTHWYN PA 19061		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
		<b>FILED PROTHONOTARY</b> <b>DEC 05 2018</b> <b>A. SILIGRINI</b>	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>ENRIQUE MARQUETTE , MONA BOVE</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY HOWARD A. TAYLOR		ADDRESS 123 S. BROAD STREET SUITE 1310 PHILADELPHIA PA 19109	
PHONE NUMBER (215) 732-9300	FAX NUMBER (215) 732-4093		
SUPREME COURT IDENTIFICATION NO. 41224		E-MAIL ADDRESS lawoffice@taylorlawemail.com	
SIGNATURE OF FILING ATTORNEY OR PARTY HOWARD TAYLOR		DATE SUBMITTED Wednesday, December 05, 2018, 10:38 am	

**HOWARD A. TAYLOR, LLC**

By: Howard A. Taylor, Esquire  
Identification No: 41224  
Suite 1310  
123 S. Broad Street  
Philadelphia, PA 19109  
(215) 732-9300

Filed and Attested by the  
THIS IS A MAJOR NON JURY MATTER Records  
05 DEC 2018 10:38 am



Attorney for Plaintiff

**ENRIQUE MARQUETTE**

302 Johnson Road  
Boothwyn, PA 19061

And

**MONA BOVE**

302 Johnson Road  
Boothwyn, PA 19061

V.

**RIVERSIDE TRANSPORT, INC.**

5400 Kansas Avenue  
Kansas City, Kansas 66106

**CIVIL ACTION  
MOTOR VEHICLE**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

*You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

Philadelphia Bar Association  
Lawyer Referral and Information Services  
One Reading Center  
Philadelphia PA 19107  
(215) 238-6333  
TTY (215) 451-6197

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la contra suya sin previo aviso o notificacion. Ademas, la corte puedo decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleva esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde su puede conseguir asistencia legal.*

Asociacion de Licenciados de Filadelfia  
Servicio de Referencia e Informacion Legal  
One Reading Center  
Filadelfia PA 19107  
(215) 238 - 6333



HOWARD A. TAYLOR, LLC  
BY: Howard A. Taylor, Esquire  
Identification No: 41224  
123 So. Broad Street, Ste. 1310  
Philadelphia, PA 19109  
215-732-9300

**THIS IS A MAJOR NON-JURY MATTER**

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ENRIQUE MARQUETTE  
302 Johnson Road  
Boothwyn, PA 19061

And

MONA BOVE  
302 Johnson Road  
Boothwyn, PA 19061

V.

RIVERSIDE TRANSPORT, INC.  
5400 Kansas Avenue  
Kansas City, Kansas 66106

**CIVIL ACTION COMPLAINT**

**2V - MOTOR VEHICLE**

1. The plaintiff, **ENRIQUE MARQUETTE** is an adult individual residing at 302 Johnson Avenue, Boothwyn, PA 19061.
2. The Plaintiff, **MONA BOVE**, is an adult individual residing at 302 Johnson Avenue, Boothwyn, PA 19061.
3. Defendant, **RIVERSIDE TRANSPORT, INC.** is, upon information and belief, A public carrier regularly licensed and conducting business within the Commonwealth of Pennsylvania and City of Philadelphia with registered business offices at 5400 Kansas Avenue, Kansas City, Kansas 66106.
4. On or about January 17, 2017, plaintiff, Enrique Marquette was the driver of a motor vehicle owned by plaintiff, Monica Bove, who was a passenger in the vehicle which was traveling on I-76 near the Walt Whitman Bridge when his vehicle was sideswiped by a truck owned by

defendant, Riverside Transport, Inc. which was traveling in the same vicinity. The driver of defendant's truck said he was going to pull over but fled the scene without being identified further.

5. At all times relevant hereto, the operator of defendant's vehicle was an agent, workman, servant and/or employee acting within the scope of his employ.

6. The aforesaid accident was caused by the carelessness and negligence of the defendant, their agents, workman and employees, acting within the scope of their authority and consisted of the following:

- (a) operation of said vehicle at a high and excessive rate of speed under the circumstances;
- (b) failure to have said motor vehicle under proper and adequate control under the circumstances;
- (c) fail to give proper and sufficient warning of the approach of his said automobile;
- (d) operated said motor vehicle without due regard to the rights and safety and position of the plaintiff aforesaid;
- (e) fail to keep a proper outlook ahead;
- (f) fail to yield the right way;
- (g) violate the various Ordinances of the City of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation of motor vehicles upon the highways;
- (h) all of which the defendant knew or in the exercise of reasonable care, should have known caused an unreasonable risk of harm to the public and more particularly, to the plaintiffs herein.

COUNT I  
ENRIQUE MARQUETTE V. DEFENDANT

7. Plaintiff, Enrique Marquette, hereby incorporates by reference the allegations contained in paragraphs 1 through 7 as fully as though the same were herein set forth at length.

8. Plaintiff sustained injuries in and about the head, neck, back, body and extremities and/or aggravated a pre-existing condition concerning these parts, which injuries are or may be serious, severe and permanent; and a severe shock to the nervous system. Plaintiff has suffered and may continue to suffer great physical pain and mental anguish; has been and may continue to be prevented from attending to plaintiff's usual activities, duties, and occupations; has suffered and may continue to suffer a loss of earnings and earning capacity; and has incurred and may continue to incur various medical expenses in and about an effort to cure said injuries.

9. As a further result of this accident and the injuries sustained therein, plaintiff has and may suffer a severe loss of earnings and/or impairment of earning capacity and power, which such loss of income and/or impairment of earning capacity and power has or may exceed the sum recoverable under the limitations of the Pennsylvania Motor Vehicle Financial Responsibility Act.

10. As a direct result of this accident, plaintiff has and will hereinafter incur additional expenses or losses, which will exceed amounts which plaintiff may otherwise be entitled to recover under the Pennsylvania Motor Vehicle Financial Responsibility Act.

WHEREFORE, plaintiff demands Judgment against the defendant in a sum in excess of Fifty Thousand (\$50,000.00) Dollars.

## COUNT II

### MONA BOVE V. DEFENDANT

11. Plaintiff, Mona Bove, hereby incorporates by reference the allegations contained in paragraphs 1 through 7 as fully as though the same were herein set forth at length.

12. Plaintiff sustained injuries in and about the head, neck, back, body and extremities and/or aggravated a pre-existing condition concerning these parts, which injuries are or may be serious, severe and permanent; and a severe shock to the nervous system. Plaintiff has suffered and may



continue to suffer great physical pain and mental anguish; has been and may continue to be prevented from attending to plaintiff's usual activities, duties, and occupations; has suffered and may continue to suffer a loss of earnings and earning capacity; and has incurred and may continue to incur various medical expenses in and about an effort to cure said injuries.

13. As a further result of this accident and the injuries sustained therein, plaintiff has and may suffer a severe loss of earnings and/or impairment of earning capacity and power, which such loss of income and/or impairment of earning capacity and power has or may exceed the sum recoverable under the limitations of the Pennsylvania Motor Vehicle Financial Responsibility Act.


14. As a direct result of this accident, plaintiff has and will hereinafter incur additional expenses or losses, which will exceed amounts which plaintiff may otherwise be entitled to recover under the Pennsylvania Motor Vehicle Financial Responsibility Act.

WHEREFORE, plaintiff demands Judgment against the defendant in a sum in excess of Fifty Thousand (\$50,000.00) Dollars.

Date: December 4, 2018

HOWARD A. TAYLOR, LLC

BY:



Howard A. Taylor, Esquire  
Attorney for Plaintiff(s)



JS 44 (Rev. 06/17)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

ENRIQUE MARQUETTE AND MONA BOVE

(b) County of Residence of First Listed Plaintiff Delaware County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Howard A. Taylor, Esquire, 123 S. Broad Street, Suite 1310,  
Philadelphia, PA 19109 / 215-732-9300

## DEFENDANTS

RIVERSIDE TRANSPORT, INC.

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Robyn D. Kazatsky, Salmon, Ricchezza, Singer & Turchi, LLP,  
1601 Market St., Ste. 2500, Philadelphia, PA 19103 / 215-606-6600

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1332, 1441, 1446

Brief description of cause:

Motor Vehicle Accident with personal injury alleged

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

JAN - 7 2019

DATE

SIGNATURE OF ATTORNEY OF RECORD

JAN - 7 2019

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 302 Johnson Road, Boothwyn, PA 19061

Address of Defendant: 5400 Kansas Avenue, Kansas City, KS 66106

Place of Accident, Incident or Transaction: I-76 near the Walt Whitman Bridge

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/04/2019

*Robyn Kaputsky / ad*  
Attorney-at-Law / Pro Se Plaintiff

92378  
Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

*Robyn Kaputsky / ad*  
Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

JAN - 7 2018

JAN - 7 2019



AB

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

ENRIQUE MARQUETTE and  
MONA BOVE

v.

RIVERSIDE TRANSPORT, INC.

CIVIL ACTION

NO. **19 72**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

January 7, 2019

**Date**

215-606-6600

**Telephone**

Robyn D. Kazatsky

**Attorney-at-law**

215-279-9732

**FAX Number**

Riverside Transport, Inc.

**Attorney for**

Rkazatsky@srstlaw.com

**E-Mail Address**

(Civ. 660) 10/02

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